

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

MARVIN ANTONIO SUTTON, JR. ,

Plaintiff,

v.

Case No: 6:20-cv-190-Orl-18EJK

COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

ORDER

This cause came on for consideration without oral argument on Defendant Commissioner of Social Security's Motion to Dismiss (the "Motion") (Doc. 11), to which no response was filed. The Motion was referred to the United States Magistrate Judge. On July 27, 2020, the United States Magistrate Judge entered a report and recommendation (the "Report and Recommendation") (Doc. 12) recommending the Motion be granted. (*Id.* at 4.) No objections were filed to the Report and Recommendation.

After review of the Report and Recommendation (Doc. 12), and noting that no timely objections were filed, it is hereby **ORDERED** and **ADJUDGED** as follows:

1. United States Magistrate Judge Embry J. Kidd's Report and Recommendation (Doc. 12) is **APPROVED** and **ADOPTED** and is made part of this Order for all purposes, including appellate review.

2. Defendant Commissioner of Social Security's Motion to Dismiss (Doc. 11) is **GRANTED**.

3. Plaintiff Marvin Antonio Sutton, Jr.'s Amended Complaint (Doc. 10) is **DISMISSED** in its entirety.

4. Plaintiff Marvin Antonio Sutton, Jr. is **GRANTED leave to file**, within thirty (30) days of the date of this Order, a second amended complaint that establishes the existence of a final decision of the Commissioner of Social Security.

DONE and **ORDERED** in Orlando, Florida, this 20 day of August, 2020.



G. KENDALL SHARP
SENIOR UNITED STATES DISTRICT JUDGE

Copies to:

Counsel of Record
Unrepresented Parties